

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

TORRANCE UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2015020199

ORDER DENYING PEREMPTORY
CHALLENGE

On June 5, 2015, District filed a peremptory challenge to disqualify Administrative Law Judge Alexa Hohensee from hearing this case.

Government Code section 11425.40, subdivision (d), establishes the criteria for disqualification of the presiding officer. A party is entitled to one peremptory challenge (disqualification without cause) to an ALJ assigned to an Office of Administrative Hearings (OAH) hearing. (Cal. Code Regs., tit. 1, § 1034, subds. (a) & (b); Gov. Code, § 11425.40, subd. (d).) In no event will a peremptory challenge be allowed if it is made after the hearing has commenced. In addition, if at the time of a scheduled prehearing conference, an ALJ has been assigned to the Hearing, any challenge to the assigned ALJ shall be made no later than commencement of that prehearing conference. (Cal. Code Regs., tit. 1, § 1034, subd. (c).) A peremptory challenge is not allowed on reconsideration or remand, and cannot be made after a hearing has begun. (Cal. Code Regs., tit. 1, § 1034, subd. (a).)

District filed a prior peremptory challenge on June 4, 2015 which was effectively granted on June 4, 2015. District has therefore exercised its one peremptory, and this second

challenge is therefore denied. ALJ Hohensee will remain assigned to this case.¹

DATE: June 5, 2015

/s/

JUNE R. LEHRMAN

Presiding Administrative Law Judge
Office of Administrative Hearings

¹ District's prior peremptory challenge was to ALJ Paul Kamaroff and was filed on June 4, 2015, the same date OAH removed ALJ Kamaroff from the case pursuant to an identical challenge from Student filed on June 3, 2015. Each party is entitled to one peremptory challenge. The fact that both parties challenged the same judge, and OAH granted the challenge, does not mean that the later filing party can pull its challenge back.